

Exhibit 1

From: [David Mauch\(VIC\)](#)
To: [Joseph Keeney](#); [Kyle Counce](#); corra.dunigan@twc.texas.gov
Cc: [Douglas Stevick\(WES\)](#); [Melissa Jacobs\(AUS\)](#); [Sidonia Mitchell\(WES\)](#)
Subject: RE: TARU v Serna - Discovery matters
Date: Tuesday, April 25, 2023 11:37:15 AM

Thanks. The joint advisory looks good, except that the font on the certificate of service appears to have accidentally shifted to Calibri for some reason (Word does that to me on occasion and I can never figure out quite why).

The standard WDTX protective order sounds good to us.

We're available to meet Thursday noon-2, or Friday at 11am.

Dave Mauch
Attorney / Abogado
Texas RioGrande Legal Aid, Inc.
121 S. Main St., Ste. 100
Victoria, TX 77901
361.237.1681 (call/text)
he/him/él

From: Joseph Keeney <Joseph.Keeney@oag.texas.gov>
Sent: Monday, April 24, 2023 4:31 PM
To: David Mauch(VIC) <dmauch@trla.org>; Kyle Counce <Kyle.Counce@oag.texas.gov>; corra.dunigan@twc.texas.gov
Cc: Douglas Stevick(WES) <DSTEVICK@trla.org>; Melissa Jacobs(AUS) <MJacobs@trla.org>; Sidonia Mitchell(WES) <SMitchell@trla.org>
Subject: [EXTERNAL EMAIL] RE: TARU v Serna - Discovery matters

Dave,

I also appreciated the conversation we had last week. I have attached a draft joint advisory for your review. If you could send it back with any edits you might have, we can get this on file this week.

I have also received your Third RFP. Some of the requests seek information that will almost certainly also need to be subject to a joint protective order. But I have good news, the Western District has a form protective order we can use, and we see no need to, nor are we willing, to deviate from the Court's pre-approved forms.

As for your request for supplementation, based on the additional clarification you've provided, the TWC is willing to perform further searches. However, we would like to first confer with you, as you offered, on search terms and keywords. Could you please let me know when you would be free and prepared to discuss those issues with us?

Thank you,

PS As I mentioned, I will be on vacation and unavailable beginning next Monday. I will return on May 15. If you need anything while I am away, please contact Kyle.

From: David Mauch(VIC) <dmauch@trla.org>

Sent: Thursday, April 20, 2023 5:11 PM

To: Joseph Keeney <Joseph.Keeney@oag.texas.gov>; Kyle Counce <Kyle.Counce@oag.texas.gov>; corra.dunigan@twc.texas.gov

Cc: Douglas Stevick(WES) <DSTEVIK@trla.org>; Melissa Jacobs(AUS) <MJacobs@trla.org>; Sidonia Mitchell(WES) <SMitchell@trla.org>

Subject: TARU v Serna - Discovery matters

Thank you for the productive conference this morning. This email is to memorialize the results of that conference – please let me know if your understanding differs from mine.

With regards to Plaintiffs' Second RFPs, the parties tentatively agreed to production, clarified some requests, and have at this point resolved all disputes raised by Defendant's discovery motion. You mentioned that you may need additional time to respond to these requests. We do not agree at this time to any extensions, but to the extent that you need additional time to supplement, please provide a date for supplementing production that is sufficiently in advance of the 30(b)(6) deposition.

With regards to the 30(b)(6) deposition, we have agreed to set the deposition for May 25th, proceeding to subsequent days if the TWC designates multiple witnesses. With regard to topics 5b and 5d, we will agree to conduct that portion of the deposition under a protective order. We will draft a proposed protective order in the coming weeks.

With regards to Plaintiffs' First RFPs:

For requests 9, 11, 12, 14, 15, 21, 22, 23, 25, and 26: our understanding is that your position is that there are no explicit written policies responsive to these requests. Our position is that these requests seek statements of policies in things like handbooks, guidance manuals, numbered Benefits Letters, the TWC Benefits Manual, and emails to TWC staff. Please produce that information.

For requests 16-20: our position is that the TWC's search for documents cannot have been adequate because the emails produced do not at all refer to any efforts to mitigate the ongoing backlog of appeals. Please produce responsive emails.

For request numbers 26, 27, and 28: You indicated that TWC searched and no responsive documents were found, but agreed to conduct an additional search.

To the extent that any of the above requests involve searching for emails, we propose

the following protocol:

- TWC staff should identify relevant custodians at the managerial level whose statements constitute policy of the agency, and/or who are responsible for training and informing staff regarding the TWC's policies.
- The TWC should collect those custodians' emails for the relevant time period.
- To the extent that manual review of individual emails is not practical, the parties should confer on search protocol, such as proposed keywords and methods for assessing the accuracy and precision of keywords, or whether the documents are so voluminous that technology-assisted review should be used.

Finally, I am attaching Plaintiffs' Third Requests for Production.

Thank you,

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